

David A. LaFuria
8300 Greensboro Dr.
Suite 1200
Tysons, VA 22102

dlafuria@fcclaw.com
(703) 584-8666
WWW.FCCLAW.COM

LLGS | LUKAS
LAFURIA
GUTIERREZ
& SACHS LLP

February 17, 2017

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, DC 20554

Re: WC Docket No. 10-90
WT Docket No. 10-208

Madam Secretary:

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, we provide you with notice of an oral ex parte presentation in connection with the above-captioned proceedings. On February 16, 2017, LeRoy T. Carlson, Jr., Kenneth Meyers, Grant Spellmeyer and undersigned counsel on behalf of United States Cellular Corporation ("U.S. Cellular") met with Chairman Pai and Dr. Jay Schwarz; Commissioner Clyburn and Claude Aiken; and Amy Bender.

U.S. Cellular discussed the proposal initiated by AT&T/ATNI/Buffalo-Lake Erie, submitted on January 30, 2017 and supplemented on February 9, 2017 which contain detailed drive testing and application testing protocols that will be extraordinarily difficult for carriers to meet within the proposed 60-day window for a challenge process. U.S. Cellular's third-party drive testing, conducted after the release of FCC Form 477 data and submitted in October of 2016, revealed significant unserved areas in rural South Carolina where some carriers alleged to be covering with 4G LTE service.¹

¹ We left behind enlarged maps of Cost Quest's South Carolina drive tests contained in U.S. Cellular's October 27, 2016 ex parte presentation at pp. 13-17, accessed at: https://ecfsapi.fcc.gov/file/10280176023122/2016%201027%20CQA_SC%20Benchmarking%20Project%20Summary%20Final.pdf.

The AT&T/ATNI/Buffalo-Lake Erie proposal would require U.S. Cellular and other much smaller carriers to drive test or app-test hundreds of thousands of individual census blocks across the country using the protocol proposed therein, a task estimated to be in the thousands of hours for U.S. Cellular alone. It will be difficult, if not impossible, for small competitors to rebut coverage claims for multiple carriers that is overstated in rural areas. This harms rural consumers living in areas the FCC concludes to be covered, but which can never receive support needed to deliver high-quality service.

U.S. Cellular advocated for the Commission to adopt a sound policy path to reform: First, fix the Form 477 data, which is significantly flawed, a fact conceded by every FCC official we have discussed this matter with. By refining the data submission process, the Commission will greatly narrow the number of areas that competitors need to address in a challenge process. Few choices would be more wasteful than committing roughly \$5 billion of support over ten years to a Mobility Fund II (MFII) process based on admittedly flawed data that misdirects support to areas that don't need it, or distributes it inefficiently.

To demonstrate the problems with FCC Form 477 data, we submitted a map of Kansas, drawn from FCC Form 477 data, which depicts almost homogenous coverage throughout the state by multiple carriers. We also submitted a map of U.S. Cellular's ETC service area in eastern Kansas, using a -85 dBm contour map. That map shows many areas where service quality is not reasonably comparable to that which is available in urban areas. Copies of these maps are enclosed. We urged the Commission to require the filing of -85 dBm contour maps, or another standard that the Commission's Chief Engineer deems appropriate for depicting reliable and high-quality Voice Over LTE and data service levels. These maps would fix the FCC Form 477 data problem and ensure that rural states like Kansas are not locked out of MFII funding for ten years.

We also submitted a Cost Study for 4G Unserved Areas, authored by CostQuest Associates, providing an estimated cost of delivering 4G LTE service to unserved areas, drawn from the FCC's Form 477 proceeding. A copy of that study is enclosed.

U.S. Cellular opposed package bidding in the MFII auction, as it favors large carriers to an extraordinary degree, especially because smaller carriers such as U.S. Cellular cannot make package bids for MFII support outside of areas where they hold spectrum. In addition, it unduly complicates auction administration.

U.S. Cellular urged the Commission to avoid flash cuts in legacy support reductions, a principle set forth in the National Broadband Plan and followed by the Commission throughout transitions in its universal service reform processes for both wireline and wireless technologies.

Should you have any questions, please contact undersigned counsel directly.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David LaFuria".

David LaFuria
Counsel for United States Cellular Corporation

cc (with enclosures):

Hon. Ajit Pai
Hon. Mignon Clyburn
Dr. Jay Schwarz
Claude Aiken, Esq.
Amy Bender, Esq.
Mr. LeRoy T. Carlson, Jr.
Mr. Kenneth Meyers
Grant Spellmeyer, Esq.